

Food Safety and Inspection Service, Office of Public Health Science

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

The Committee shall be known as the National Advisory Committee on Microbiological Criteria for Foods (NACMCF), hereafter referred to as the Committee or the NACMCF.

2. Authority

This charter renews the NACMCF in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. The Committee was established on March 18, 1988, under the U.S. Department of Agriculture (USDA) Departmental Regulation 1043-28. The Secretary of Agriculture, after consultation with the Secretary of the Department of Health and Human Services (DHHS) on the need for a joint USDA and DHHS advisory committee, has renewed the NACMCF charter approximately every two years, with the last reestablishment on February 7, 2013.

3. Objectives and Scope of Activities

The purpose of the Committee is to provide impartial, scientific advice to federal food safety agencies for use in the development of an integrated national food safety systems approach that ensures the safety of domestic, imported, and exported foods.

4. Points of View Needed for the Committee

Membership will consist of not more than 30 individuals with expertise in microbiology, risk assessment, epidemiology, public health, food science, and other relevant disciplines. Scientists are selected from across industry, academia, Federal and State Government, consumer groups, and other organizations in order to obtain the scientific perspective, expertise, experience, and point-of-view of all stakeholders. One individual affiliated with a consumer group will be included to provide a consumer viewpoint. Consumer group nominated scientists also are considered. Members will serve at the discretion of the Secretary of Agriculture.

Non-Federal employee members are appointed as “Special Government Employees” (SGEs) and are subject to Federal ethics laws. The consumer member is the exception and serves as a representative member to provide a consumer viewpoint. SGEs are appointed based on their background, academic scholarship, ability to provide independent scientific advice, expertise, and personal knowledge. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form). To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis and they will file the 450 form annually. The provisions of these paragraphs are not meant to cover all Federal ethics laws exhaustively and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

Every effort will be made to ensure that the membership of this Committee is balanced. Nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the Committee.

5. Other Balance Factors

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. Furthermore, FSIS attempts to have a fair representation of the different geographic parts of the United States and its territories.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, or reprisal, or because all or part of an individual's income is derived from any public assistance program.

6. Quorum Requirements

Committee decision-making shall be by consensus whenever possible. In the absence of consensus, the Chairperson may poll the Committee members to arrive at a decision.

A quorum is required for a vote. Each appointed Committee member has one vote that is not transferable to a substitute. Members must be participating in the

meeting in-person or by phone to vote. Any member of the Committee may request a roll call vote, and the votes are recorded in the minutes. For adopting a final report, all members will have had the opportunity review the document in advance and to provide input. The final report shall contain a summary of the dissenting views.

Quorum

- A. Full Committee- consists of 20 of 30 members (67%) in attendance. Adoption of a document as final requires a quorum vote.
- B. Subcommittee- consists of any number of members that is greater than half (50%) of the total membership of the subcommittee.

7. Candidate Identification Process

(a) FSIS encourages nominations by minorities, women, persons with disabilities, and other underserved populations. A Federal Register notice and a press release soliciting nominations are issued. The vacancy announcement is directed to qualified and potentially interested individuals. The announcement provides details on desired qualifications. FSIS' staff officers make direct contact with diverse scientific organizations, including those representing minorities, women, persons with disabilities, minority owned businesses, 1890 Colleges and Universities, Native American Tribal Associations, Hispanic Association of Colleges and Universities, and other groups to solicit nominations. Candidates are selected for consideration based on their expertise, background, interest in safety of domestic, imported, and exported foods, and other matters that fall within the scope of the national food safety systems. Effort is made as well to achieve a balance among stakeholder categories.

Nominations come from a wide variety of sources including past members, participating agencies, academia, key stakeholder categories such as consumer groups and industry, and diverse scientific organizations. Vacancies are filled using selection criteria and other considerations. Scientific expertise from candidates relative to existing and planned Committee work is of primary importance to selection. Other items taken into account include recognized leadership in their field, relevant publications, length of time spent on their subject, and contributions to the field, as well as revolutionary, dynamic, innovative, or creative research. Other items considered include input on candidates from Federal partners and external scientists from the food safety community, including a candidate's potential to contribute to Committee work. Members are sought across stakeholder categories of: industry, academicians,

consumers, Federal and State government agencies, and other organizations to achieve a balance of viewpoints, expertise, and perspectives. Diversity (ethnic and gender) and geographic distribution are also considered.

(b) A managing executive committee made up of five participating Agencies in NACMCF (the Food Safety and Inspection Service (FSIS), Food and Drug Administration (FDA), Centers for Disease Control and Prevention (CDC), National Marine Fisheries Service (NMFS), and the Department of Defense (DOD), Veterinary Service Activity, considers nominees based on the factors mentioned above and prepares a recommended balanced membership slate for the Secretary of Agriculture. Key staff members from these agencies serve on the executive committee to analyze candidates and arrive at a balanced committee membership. Key staff includes: **FSIS Liaisons:** Assistant Administrator, FSIS Office of the Public Health Science, and Director of Science Staff, FSIS; **Designated Federal Officer (DFO):** Staff Officer, FSIS; **Advisory Committee Specialist:**, Staff Officer, FSIS; **Chair:** USDA, Under Secretary for Food Safety; **FDA Liaisons:** Policy Analyst, Center for Food Safety and Applied Nutrition (CFSAN), and Director, CFSAN; **Vice-Chair:** Director, FDA, CFSAN; **CDC Liaison:** Director, Food Safety Initiative Activity; **Department of Commerce Liaison:** Scientist, National Seafood Inspection Laboratory, NMFS; **Department of Defense Liaison:** Veterinary Advisor, Veterinary Service Activity.

The candidate slate that results from the consensus of five Agencies considering the factors above adds a further dimension of diversity and balance to the proposed committee membership, ensuring an optimal mix to achieve a Committee capable of arriving at effective deliverables.

(c) Committee vacancies that occur in-between terms maybe be filled if the DFO and executive committee determine a new member is needed to replenish balance or expertise. An Ad Hoc consultant may be brought in to provide information to subcommittees if needed expertise is lacking. The Committee balance includes multiple industry and academic members so an imbalance would more likely occur through loss of a federal or state member, or the consumer member. Members lost in needed categories would be replaced as soon as possible because the positions left unfilled would affect Committee balance. Candidate applications are maintained in the event vacancies occur that need to be filled.

(d) Committee members serve two-year terms that can be renewed for an additional term. . Federal employee members will not be subject to term limits.

Terms are staggered so that the Committee will be comprised of a mix of renewed and new members. This mix ensures continuity of work that is in progress. Term limits result in turnover of membership and new perspectives, which affects the balance of a Federal advisory committee.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the Committee due to criminal or ethical violations.

8. Subcommittee Balance

The balance plan for subcommittees is the same as the Committee balance plan and the managing executive committee makes subcommittee assignments through careful considerations and consensus.

9. Other

10. Date Prepared: May 5, 2014.